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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,979	06/17/2003	Kuen Hsien Lu	4026DL	7150
7590	08/11/2004			
Kuen Hsien Lu P.O. Box 63-298 Taichung, 406 TAIWAN				
EXAMINER PHAM, MINH CHAU THI				
ART UNIT		PAPER NUMBER		
1724				

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,979	LU, KUEN HSIEN	
	Examiner	Art Unit	
	Minh-Chau T. Pham	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsden (5,500,093).

Marsden discloses a filter assembly comprising a container including a chamber (42) formed therein to receive a fluid, a filter device (40) received in the chamber (42) of container to separate the chamber of container into a first space (42) and a second space (44), the container (42) including an inlet (49) communicating with the first space (42) to allow fluid to flow into the first space of container, an outlet (43) communicating with the second space (44) of container to allow fluid flowing through the filter device (10), the housing including a partition (43) extending into the chamber of housing and a plate (44a) provided on top of the peripheral partition having a plurality of apertures (44a) communicating with the chamber and compartment and peripheral space of the housing to increase a flowing area of fluid through the housing. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter assembly as taught by Marsden in order to provide an improved filter to allow fluid to be effectively flown through the filter and to increase filter life.

Claims 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsden (5,500,093), in view of Moor (5,209,842).

Claims 4 and 7-9 call for casing including an outer peripheral fence extended upwardly therefrom to form a space therein and to receive a filter member, a filter screen disposed on the filter member, and means for biasing the filter screen against the filter member. Moor discloses a casing including an outer peripheral fence extended upwardly therefrom (24) to form a space therein and to receive a filter member (21), a filter screen (15) disposed on the filter member to filter the fluid before fluid flowing through the filter member, and means for biasing (19) the filter screen against the filter member. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a peripheral fence, a screen and biasing means as taught by Moor in the filter apparatus of Marsden to provide means for tightly holding the filter element in place in the casing while achieving optimal filtration efficiency of fluid flowing through the filter element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Silverwater (4,783,271) discloses a bypass filter assembly.
- Yano et al (4,865,632) disclose a separator for solid and gaseous contaminants in a fluid.
- Faria (5,066,391) discloses a reusable liquid filter assembly.
- Brown et al (6,296,765) disclose a centrifuge cartridge for removing soot from engine oil.
- Nguyen (6,464,863 B1) discloses a transmission fluid filter assembly.

Art Unit: 1724

- Brownawell (5,225,081) discloses a method of removing aromatics from used lubricating oils.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
August 6, 2004